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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

SEP - 8 1993

Jeff S. Jordan  
Office of General Election Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

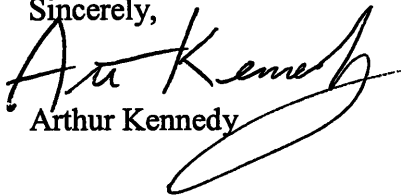
RE: MUR5512

Dear Mr. Jordan:

Please find the attached Response to the above referenced complaint.

Thank you.

Sincerely,

  
Arthur Kennedy

25044130088

Response to Alan Brown Complaint

1. Respondent has no knowledge of or involvement with the PAC referred to in Count I.
2. Count II is denied. No campaign reports were prepared or completed in the congressional office. The prohibition against using official resources for campaign or political purposes is based on the principle that "...Government funds should not be spent to help incumbents gain re-election." Faxing a report to the FEC does not help an incumbent gain re-election. This is especially true when the incumbent is unopposed.
3. Respondent has no knowledge regarding Count III.
4. Count IV is denied. There was no "office space" in the Respondent's home. Further, Respondent's volunteering his residence to a political candidate is not a contribution. (See CFR Ch. 1 Section 100.75 Use of a volunteer's real or personal property.)
5. Count V is denied. The phone line in question has been reported to the FEC and was paid for with campaign funds.
6. Count VI is Admitted. Respondent was instructed by Congressman Hastings to obtain a campaign post office box and to pay for same with campaign funds. Respondent failed to follow instructions. That the box was not paid for from the campaign account did not come to the attention of the Congressman until the instant complaint was filed.
7. Count VII is denied. Petitioner's Exhibit 7 reflects 12 payments to Bell South Telephone commencing, 1/ 02 through 12/ 02. Additionally, Exhibit 7 reflects six payments commencing 1/ 01 through 6/ 01. Such payments raise no question for the average onlooker. Said payments are usual and ordinary.

This 7<sup>th</sup> day of September, 2004.

Submitted by   
Arthur Kennedy

25044130089

## § 100.72

### § 100.72 Testing the waters.

(a) *General exemption* Funds received solely for the purpose of determining whether an individual should become a candidate are not contributions. Examples of activities permissible under this exemption if they are conducted to determine whether an individual should become a candidate include, but are not limited to, conducting a poll, telephone calls, and travel. Only funds permissible under the Act may be used for such activities. The individual shall keep records of all such funds received. See 11 CFR 101.3. If the individual subsequently becomes a candidate, the funds received are contributions subject to the reporting requirements of the Act. Such contributions must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the funds were received.

(b) *Exemption not applicable to individuals who have decided to become candidates.* This exemption does not apply to funds received for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign. Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:

(1) The individual uses general public political advertising to publicize his or her intention to campaign for Federal office.

(2) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.

(3) The individual makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.

(4) The individual conducts activities in close proximity to the election or over a protracted period of time.

(5) The individual has taken action to qualify for the ballot under State law.

### § 100.73 News story, commentary, or editorial by the media.

Any cost incurred in covering or carrying a news story, commentary, or

## 11 CFR Ch. I (1-1-04 Edition)

editorial by any broadcasting station (including a cable television operator, programmer or producer), newspaper, magazine, or other periodical publication is not a contribution unless the facility is owned or controlled by any political party, political committee, or candidate, in which case the costs for a news story

(a) That represents a *bona fide* news account communicated in a publication of general circulation or on a licensed broadcasting facility, and

(b) That is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not a contribution.

### § 100.74 Uncompensated services by volunteers.

The value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution.

### § 100.75 Use of a volunteer's real or personal property.

No contribution results where an individual, in the course of volunteering personal services on his or her residential premises to any candidate or to any political committee of a political party, provides the use of his or her real or personal property to such candidate for candidate-related activity or to such political committee of a political party for party-related activity. For the purposes of this section, an individual's residential premises, shall include a recreation room in a residential complex where the individual volunteering services resides, provided that the room is available for use without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not a contribution.

### § 100.76 Use of church or community room.

No contribution results where an individual, in the course of volunteering personal services to any candidate or political committee of a political party, obtains the use of a church or community room and provides such